

63rd Legislature

HOUSE BILL NO. 538  
INTRODUCED BY J. GURSKY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE HIGH-PERFORMANCE <sup>compliance</sup> CERTIFICATION PROGRAM FOR EXISTING BUILDINGS; PROVIDING FOR HIGH-PERFORMANCE OPERATIONAL PLANS FOR EXISTING BUILDINGS; PROVIDING FOR CALCULATION OF UTILITY COST SAVINGS; PROVIDING FOR TRANSFER OF UTILITY FUNDS; AND PROVIDING FOR STATE SPECIAL REVENUE ACCOUNTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. High-performance <sup>compliance</sup> ~~certification~~ <sup>operations and maintenance</sup> program for existing buildings. (1) The

department of administration, in collaboration with the Montana university system and other state agencies, shall adopt high-performance building standards of operation and maintenance for existing buildings. In developing these standards, the department of administration shall consider:

(a) integrated design principles to optimize energy performance, enhance indoor environmental quality, and conserve natural resources;

(b) cost-effectiveness, including productivity, deferred maintenance, and operational considerations;

(c) environmental, economic, and social sustainability of materials and components; and

(d) building functionality, durability, and maintenance.

(2) When economically justified, state agencies may elect to improve the cost-effectiveness of existing buildings by <sup>complying with high-performance building operations and maintenance standards adopted by the department by rule.</sup> attempting to have the buildings rated as high-performance buildings according to standards promulgated and certified by a third-party group chosen by the department of administration.

(3) ~~For purposes of this section, an "existing building" means any state agency building that has not already achieved a certification of high performance during its construction.~~

~~NEW SECTION. Section 2. High-performance operational plan -- calculation of initial utility cost savings. (1) Each state agency participating in the high-performance certification program for existing buildings in [section 1] shall create a high-performance operational plan for each existing building for which the agency is seeking high-performance certification. The participating agency shall use the operational plan to:~~

~~(a) define and document baseline utility consumption conditions in an existing building;~~

- 1 ~~(b) develop a building-specific measurement and verification protocol that requires an annual review to~~  
 2 ~~ensure that any cost-saving measures implemented continue to perform as expected; and~~  
 3 ~~(c) calculate utility cost savings once the building has achieved high performance certification.~~  
 4 ~~(2) The department of environmental quality shall certify each operational plan and the utility cost~~  
 5 ~~savings.~~

- 6  
 7 **NEW SECTION. Section <sup>2</sup>3. Transfer of budgeted utility funds -- special revenue accounts.** (1) For  
 8 each fiscal year, each agency participating in the high-performance <sup>compliance operations and maintenance</sup> ~~certification~~ program for existing buildings <sup>of</sup>  
 9 in [section 1] may transfer to a special revenue account any amount remaining in the budgeted utility fund of the  
 10 agency.  
 11 (2) Each agency participating in the high-performance <sup>compliance operations and maintenance</sup> ~~certification~~ program for existing buildings shall <sup>of</sup>  
 12 establish a special revenue account to receive the transfers pursuant to subsection (1).  
 13 (3) For each fiscal year, the Montana university system may establish a subfund of the plant fund to  
 14 receive the transfer pursuant to subsection (1).

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 16 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 <sup>and 2</sup> through 3] are intended to be codified  
 17 as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections  
 18 <sup>and 2</sup> 1 through 3].

19 - END -

(4) The specified agency special revenue accounts and university plant funds and authority are designated for the maintenance compliance and achieving utility cost reductions